

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MAXELL, LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

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CASE NO. 5:19-cv-00036-RWS

**DLA PIPER LLP (US)'s MOTION TO STRIKE CERTAIN PORTIONS
OF JAMIE B. BEABER'S DECLARATION IN SUPPORT OF MAXELL'S
MOTION TO DISQUALIFY**

Pursuant to the Federal Rules of Evidence, DLA Piper LLP (US) ("DLA") hereby objects to portions of the Declaration of Jamie B. Beaber filed in support of Maxell, Ltd.'s Motion to Disqualify. DLA respectfully requests that the Court strike the objectionable and speculative portions of the Declaration of Jamie B. Beaber as specifically set forth below:

Declaration	DLA's Objection
Paragraph 2, last sentence: "Mr. Park billed hundreds of hours on Maxell's smartphone matters, including many hours spent on matters adverse to Apple, drafting and reviewing documents and filings and attending strategy meetings."	<ul style="list-style-type: none"> • FRE 602 – Mr. Beaber provides no foundation and lacks personal knowledge.
Paragraph 3: "During his time at Mayer Brown, Mr. Park has accessed and had full access to all of Maxell's highly confidential business information. Mr. Park was intimately involved in the Maxell smartphone matters: he attended numerous depositions relating to the Maxell smartphone matters, has direct knowledge of Maxell's litigation strategy (which includes privileged attorney	<ul style="list-style-type: none"> • FRE 602 – Mr. Beaber provides no foundation and lacks personal knowledge.

Declaration	DLA's Objection
<p>mental impressions and work product), attended meetings with Maxell related to this case including at the client's headquarters in Japan, was on the internal and external e-mail distribution lists for these cases where hundreds of confidential e-mails both within Mayer Brown and with Maxell were exchanged, and has seen confidential, technical and strategic information related to these cases (and in this case against Apple specifically), among others."</p>	
<p>Paragraph 19: "Two days before his departure from Mayer Brown, Mr. Park's assistant, at his direction, moved certain e-mail file folders from Mr. Park's Mayer Brown e-mail account into a database for one of his clients transferring to DLA Piper. Without Maxell's or Mayer Brown's knowledge or consent, several highly confidential and attorney-client privileged documents concerning Maxell were within those e-mail file folders which are now at DLA Piper."</p>	<ul style="list-style-type: none"> • FRE 602 – Mr. Beaber provides no foundation and lacks personal knowledge • FRE 802 – This statement is hearsay.

Dated: November 11, 2020

Respectfully submitted,

/s/ John T. Cox III

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COUNSEL FOR DLA PIPER LLP (US)

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served this 11th day of November, 2020, with a copy of this document via electronic mail pursuant to Local Rule CV-5(d).

/s/ John T. Cox III

John T. Cox III

CERTIFICATE OF CONFERENCE

I hereby certify that DLA Piper LLP (US) has complied with the requirements of Local Rule CV-7(h) governing this case. Specifically, I conferred with Maxell's counsel Alan Grimaldi on November 11, 2020 regarding the relief requested in this Motion. The parties were not able to resolve the issues raised by this Motion, and counsel for Maxell indicated that Maxell opposes this this Motion on the merits.

/s/ John T. Cox III
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